

REMARKS

In response to the Office Action dated October 08, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-7 are pending in the present Application. Claims 1-7 stand rejected. No claims have been amended, canceled or added, thus claims 1-7 remain pending for further consideration.

No new matter has been introduced. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oh et al. (U.S. Patent Pub. No. 2005/0105010, hereinafter "Oh") in view of Choi et al. (U.S. Patent Pub. No. 2005/0046774, hereinafter "Choi").

Claims 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oh in view of Choi, and further in view of Do (U.S. Patent Pub. No. 2004/0114089, hereinafter "Do").

First, it is respectfully noted that the Examiner acknowledges that Oh constitutes prior art only under 35 U.S.C. 102(e).

Second, it is respectfully submitted that Oh has a U.S. filing date of September 29, 2004, which is later than the priority date of the present application (i.e., October 29, 2003). Therefore, we believe Oh is not a proper prior art reference for rejecting the present application.

Third, it is respectfully submitted that the inventorship of Oh is identical to the inventorship of the present application. Therefore, Oh could be easily disqualified as a prior art reference against the present application under 37 CFR 1.130 and 35 U.S.C. 104, as noted by the Examiner on page 2 of the Detailed Action.

Lastly, and most notably, while applicants reserve the right to antedate or distinguish the Oh reference, it is respectfully noted again that Oh only qualifies as prior art under 35 U.S.C. §102(e). It is respectfully submitted that the Oh reference was either commonly owned by the same entity or subject to an obligation of assignment to the same entity at the time the invention was made and is therefore disqualified as prior art under 35 U.S.C. 103(c). Thus it is respectfully submitted that claims 1-7 are allowable in light of the references cited.

In particular, under 35 U.S.C. §103(c), “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Thus, the Examiner is precluded from making a rejection under 35 U.S.C. §103(a) using any reference available only under 35 U.S.C. §102(e) which is assigned to the assignee of the present application. Since the prior art reference Oh was owned by the assignee of the present application, Samsung Electronics Co, Ltd., the Examiner is precluded from using Oh as it is available only under 35 U.S.C. §102(e).

Applicants therefore respectfully request withdrawal of the outstanding rejection to claims 1-7 under 35 U.S.C. §103(a) and early allowance of the claims.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: January 6, 2009